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After an address of welcome, Dr. Salvador Rodriguez G. and Señor Roberto Brenes Mesen were elected respectively President and Secretary of the Conference.

Beside the opening and the closing session, seven regular meetings of the Conference were held, which adjourned on February 5, 1910. The conference adopted, in all, six conventions:—

1. A convention relative to the unification of the monetary standard in the Central American Republics upon a gold basis.

2. A convention relative to the approval of plans and expenses and the manner of payment for the construction and equipment of the Central American Pedagogical Institute.

3. A convention relative to the declaration of the duties of the International Central American Bureau.

4. A convention relative to the unification of weights and measures.

5. A convention relative to Central American commerce, and,

6. A convention relative to the consular service of the Central American Republics.

The conventions are printed in the Supplement to this number of the JOURNAL, p. 170.

THE BELGIAN LAW ON THE ACQUISITION AND LOSS OF NATIONALITY

The advent of a new law defining more closely the national status of an individual has more than local interest; for, though citizenship is a municipal relation determined by national law, the protection of a person abroad by a state may give rise to an international question which it has become the custom of nations to solve in the first instance generally, though not necessarily, by determining the citizenship of the individual.

One of the last acts of the late King Leopold during the past summer was to sign the Belgian Law on Nationality, which is reprinted in the Supplement, p. 167. It is of historical interest, in this connection, to note that this law repeals and replaces several sections of the Civil Code granted by Napoleon when Belgium was a part of the Empire. The remainder of the Belgian law on citizenship is to be found mainly in certain articles of the Constitution of February 7, 1831, and in the law of August 6, 1881, concerning naturalization.

The method of naturalization outlined in the latter law is briefly this. The alien signs a written application, which is referred to Parliament.

If both Chambers vote favorably and the vote receives the royal sanction, the Minister of Justice delivers to the applicant a certified copy of the act of naturalization. Thereupon the applicant must within two months declare before the mayor of his place of residence that he accepts the naturalization thus conferred upon him. Finally, the act of naturalization is published in the Official Gazette.

With naturalization in this sense the new law has little to do, save to say that "A foreigner who has obtained Belgian naturalization becomes Belgian." In fact, the recent law is composed chiefly of rules for the determination of the nationality of minors and married women. Out of the eighteen articles, two of which are "Transitory Provisions" and a third a repealing clause, thirteen articles deal more or less with the nationality of children. The status of this embryo citizen is fixed from the moment of conception (Article 3) up to and including years of discretion. Not only the unborn child but the natural born, the foundling and the post-marital child are provided for.

The doctrine of election is recognized and adopted both in the case of children of foreigners who acquire Belgian nationality and of children of Belgians who lose their allegiance. The twenty-second year is the period during which, generally, the election must be declared in writing before the proper authorities or officials, but upon reaching the age of eighteen the minor may, with the consent of a parent or other of his forefathers, acquire the high privileges of Belgian nationality. The Belgian law thus follows the generality of Continental codes which provide for election at majority. In America, however, the reverse is the situation. Until a recent act of Congress, it is doubtful if any statute ever confirmed the doctrine, though there appears to be a well established doctrine of election which the courts have recognized.

Subject to election at majority, the minor unmarried children of a foreigner in general acquire Belgian nationality with their parents. Whether in order to do so the children must go to Belgium to reside, is not expressly stated and it would seem, remains an open question. In the United States a child in such a case is not deemed a citizen until he "begins to reside permanently in the United States."

Next to children, the nationality of married women is most largely considered in the Belgian statute. In general, the national character of a wife is that of her husband, whether she is a foreign or a Belgian woman. In the latter case she may recover her nationality provided she has retained or effectively renewed her domicile in Belgium. In this

connection, it may be observed that the act of Congress of March 2, 1907, on this subject is very similar.

Under the old Belgian law, nationality was lost by "naturalization" abroad or by settling in a foreign country without intention of returning, that is, by acquiring a domicile there. The presumption, however, was against the giving up of the intention. By the new law, however, the loss of nationality by acquiring a domicile abroad is omitted altogether, while the loss of the nationality of children by change of nationality of parents is added.

The recovery of lost nationality is made in general simply by properly and effectively establishing a domicile in Belgium. This includes Belgian women after the dissolution of a foreign marriage, and children who have the right of an election at twenty-one.

The nationality law of Belgium is a good example of the application of the doctrine of *jus sanguinis* to citizenship. But one instance is noted where birth alone on Belgian soil supports citizenship and this only where a child is born of parents "legally unknown or without fixed nationality." Even birth in Belgium of foreign parents must be followed by domicile there. But, roughly speaking, birth of parents of whom at least one is or was a Belgian is a prerequisite to Belgian nationality. This is common in civil law countries where the jurisdiction follows the person, while in common law countries where jurisdiction is territorial *jus soli* is the rule. Both rules, however, have been greatly modified and more or less blended by statute.

If, as stated, citizenship is a municipal status to be determined solely by local laws, it is evident that cases may arise where two or more countries claim the citizenship of the same person. Such a person would logically owe double allegiance, but practically he would be a citizen of that one of the interested countries in which he is for the time residing. The difficulty comes when he enters an uninterested country which must then decide the conflict of laws. The Belgian law, however, by convenient provisos, overcomes to a degree this inconvenience. Thus children born abroad of parents of Belgian origin are Belgian "if the father has no fixed nationality;" also a post-marital child is Belgian "if the mother enjoys Belgian nationality at the time of the child's birth," etc.

This law affords a good example of the consistent and it would seem proper use of the words "domicile" and "residence." "Domicile" is a technical legal term which appears to have a well settled meaning. To

constitute domicile, there would generally seem to be required, among other things, coincidence of intention to make a home at a certain place and physical presence in that place; whereas "residence," if the conflicting decisions of the courts can be reconciled, means physical presence chiefly, the intention playing little or no part. In the Belgian law the word "residence" appears but once and then in its appropriate garb, while "domicile" is properly used in a dozen places. This should be compared with the recent American laws on nationality, in which the word "residence" is almost exclusively used, though apparently at times in the sense of "domicile."

THE FOURTH INTERNATIONAL AMERICAN CONFERENCE

The Fourth International American Conference, which will be held at Buenos Aires in July of this year, will be one of the most important gatherings of its kind which has ever been held upon the Western Hemisphere. That its importance is generally recognized is evidenced by the character of the men whom the different American governments are appointing as delegates. The very best men in the public, professional and business life of these nations will make up the Conference, and should reach conclusions which will be of benefit to all America. The United States delegation is headed by Honorable Henry White, who has served twenty-seven years in the diplomatic service and held as his last position the ambassadorship to France. The other members are Colonel E. H. Crowder of the United States Army, who has distinguished himself in the legal constructive work of the Philippines and Cuba; Lewis Nixon, who is one of the leading business men of New York and who has also made a close study of international relations; John Bassett Moore, who is one of the best known authorities on arbitration and has written many books on international law; Dr. Bernard Moses, who was a member of the Philippine Commission when President Taft was Chairman of it and who has been long associated with the University of California; Dr. Paul Samuel Reinsch, who was a delegate of the United States to the last Pan-American Conference in Rio de Janeiro and to the Pan-American Scientific Congress in Santiago; Lamar Charles Quintero, who is one of the principal lawyers of New Orleans, and David Kinley, dean of the faculty of the University of Illinois.

Many important subjects will come before the Conference for consideration and action, as will be shown by the full programme which follows: